IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE TWENTY NINTH DAY OF MARCH
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE K.C. BHANU

WRIT PETITION No. 6662 of 2005

Between:

1 The Director, Central Research Institute for Dryland Agriculture,

Santoshnagar, Hyderabad.
2 The Finance & Accounts Officer, Central Research Institute

for Dryland Agriculture, Santoshnagar,Hyderabad.

..... PETITIONERS

AND

1 The Regional Provident Fund Commissioner, Barkatpura, Hyderabad.
2 The Commissioner for Provident Fund, A.P., Barkatpura, Hyderabad.
3 The Assistant Provident Fund Officer, A.P.Barkatpura, Hyderabad.
4 M.Mallayya, s/o Narasimha,
5 J.Somalingam, s/o Bikshapathi,
6 B.Babaiah, s/o Mallaiah,
7 G.Muthyalu, s/o Saloo,
8 M.Gopal, s/o Rajaiah,
9 B.Balraj, s/o Ramulu,
10 State Bank of India, rep., by its Branch Manager,

Edi Bazar, I.S.Sadan X Roads, Hyderabad.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue preferably a writ in the nature of certiorari or any appropriate writ, order or direction, calling for the records pertaining to order in AP/24544/C-II/26-B/2003/3347, dt.23-04-2003 passed by respondent No.1 and the order in No.AP/24544/ENF.C.II/T3/2005/2472, DT.28-02-2005 passed by respondent No.3 and quash the same holding the same as illegal, arbitrary and unconstitutional or pass such further or other order or orders as this Hon'ble Court may deem fit and

proper in the facts and circumstances of the case.

Counsel for the Petitioner: MR.A.RAJASHEKAR REDDY SC FOR CENTRAL GOVERNMENT

Counsel for the Respondent Nos.1 to 3: MR.R.N.REDDY

The Court at the admission stage made the following:

ORDER:

Calling for records pertaining to Order in AP/24544/C-II/26-B/2003/3347, dated 23.04.2003, passed by the 1st respondent, and the Order in No.AP/24544/ENF.C.II/T3/2005/2472, dated 28.02.2005, passed by the 3rd respondent and to quash the same, the present writ petition is filed.

Heard the learned Counsel for the petitioner and the learned standing Counsel for respondents 1 to 3.

As against the impugned order dated 28.02.2005, passed by the 3rd respondent under Section 7-A of the Employees Provident Funds and Miscellaneous Provisions Act, 1952, an appeal lies to the appellate Tribunal.

Therefore, without entering into the merits of the case, the petitioner is directed to file an appeal before the appellate Tribunal against the impugned order, within a period of three weeks from the date of receipt of a copy of this order. In the circumstances of the case, there shall be interim suspension of the operation of the impugned order dated 28.02.2005 for a period of three weeks.

With the above observations, the Writ Petition is disposed of. No order as to costs.

Dated: 29.03.2005

Dsr

Note:

Issue the order copy

by wire at party's costs.

B/o

Dsr

ASSISTANT REGISTRAR

To:

1. The Regional Provident Fund Commissioner,

Barkatpura, Hyderabad

2. The Commissioner for Provident Fund, A.P.

Barkatpura, Hyderabad

3. The Assistant Provident Fund Officer, A.P.,

Barkatpura, Hyderabad

4. The Branch Manager, State Bank of India,

Edi Bazar, I.S.Sadan X Roads, Hyderabad

5. Two CD copies

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